

# **Exhibit 6**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **EXAMINATION BEFORE TRIAL OF JOSEPH GRAMAGLIA**

13 **APPEARING REMOTELY FROM**

14 **ERIE COUNTY, NEW YORK**

15  
16 September 22, 2023

17 9:05 a.m. - 5:15 p.m.

18 pursuant to notice  
19  
20

21 REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

R E M O T E   A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

**NATIONAL CENTER FOR LAW  
AND ECONOMIC JUSTICE  
BY: CLAUDIA WILNER, ESQ.**  
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New York, New York 10004  
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APPEARING FOR THE DEFENDANTS:

**HODGSON RUSS LLP  
BY: CHEYENNE N. FREELY, ESQ.,  
PETER SAHASRABUDHE, ESQ.,  
and HUGH M. RUSS III, ESQ.,**  
140 Pearl Street  
Buffalo, New York 14202  
(716) 848-1508

ALSO PRESENT:

**ANJANA MALHOTRA, ESQ.**  
National Center for Law  
and Economic Justice

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135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

~~JOSEPH GRAMAGLIA~~

1 A. I am.

2 Q. And what was the Strike Force?

3 MS. FREELY: Objection to form. You can  
4 answer.

5 A. The Strike Force was a unit that was created,  
6 a proactive-type unit. Their -- they were not  
7 answering calls like a district police officer  
8 so they would not be directly dispatched to  
9 any calls. They could certainly call out on  
10 calls. They could back up on calls, but their  
11 primary focus was more of a proactive type of  
12 unit.

13 Q. And what was the main mission of the Strike  
14 Force?

15 MS. FREELY: Objection to form. You can  
16 keep answering.

17 THE WITNESS: Oh, sorry.

18 MS. FREELY: As long as I say -- you  
19 know, as long as I don't say don't answer.

20 THE WITNESS: Okay.

21 A. So just to clarify again, I had no operational  
22 command over Strike Force. When I became the  
23 deputy commissioner, they had already been

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1           disbanded. I was a district chief at the time  
2           and then a captain in Homicide and a patrol  
3           lieutenant. At no time did I ever have any  
4           operational command over Strike Force. So,  
5           you know, the things that I could testify to  
6           were historical knowledge of the department  
7           but I at no time ever had any operational  
8           control over Strike Force.

9           Q. Okay. I understand. Are you aware of what  
10          the Strike Force's mission was?

11                       MS. FREELY: Same objection.

12          A. So their mission was a proactive unit.

13          Q. And what does that mean, "a proactive unit"?

14          A. It could be I guess a variety of things.  
15               Again, I don't know what exactly, you know,  
16               mission directives were given to them but  
17               their job was to do a variety of things that  
18               the commissioner at the time needed done. It  
19               could be for gang and gun violence reduction  
20               or any other needs -- any other needs that  
21               would arise that the commissioner needed done.  
22               They could respond to complaints. They could  
23               respond to citizen complaints. At times we

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1 will get 311 calls, we will get community  
2 calls where there might be an issue for  
3 something, there's an uptick in something, and  
4 the Strike Force would be there to respond to  
5 those needs. They were kind of an active  
6 flowing unit, if you will.

7 Q. And when you say they could respond to  
8 civilian complaints, you don't mean as part of  
9 the Internal Affairs function, right?

10 A. No, not at all. Again, on an operational  
11 policing side. So if there was a rise in  
12 shootings in a particular area, then they  
13 could be used to get into that area and try to  
14 suppress that. If there were other issues,  
15 other community concerns, if there were, you  
16 know, gang calls, if there were, you know, I  
17 guess any issue that the commissioner of  
18 police at the time deemed that needed more  
19 service than the district could provide  
20 because the district's primary responsibility  
21 is to answer 911 calls and to keep up with  
22 that so, you know, sometimes the extras  
23 don't -- aren't able to be handled as

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1           efficiently because the districts are  
2           answering calls so Strike Force could be used  
3           to -- to deal with some, you know, conditions  
4           and help to alleviate conditions.

5           Q. And you said that the Strike Force was  
6           eliminated before you became deputy police  
7           commissioner?

8           A. Yes.

9           Q. Did you have any involvement in the decision  
10          to eliminate the Strike Force?

11          A. I did not.

12          Q. And are you familiar with the BPD Housing  
13          Unit?

14          A. I am.

15          Q. And what was the Housing Unit?

16                   MS. FREELY: Objection to form.

17          A. The Housing Unit so they were -- they were a  
18          unit that was formed to work the public  
19          housing developments within the city of  
20          Buffalo, the Buffalo Municipal Housing  
21          Authority developments. The BMHA, as it's  
22          known, had a contract with the City. They  
23          paid a certain dollar amount for police

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1 services, and the housing officers worked out  
2 of a housing station which is the station that  
3 I used to work at when I was a housing officer  
4 from '94 to '96 and their primary function was  
5 to patrol the housing developments and respond  
6 to any issues that the BMHA hierarchy --  
7 concerns that they had.

8 Q. And as deputy commissioner for operations,  
9 were you part of the Housing Unit command  
10 structure?

11 A. And forgive me, I don't recall when they were  
12 disbanded. I believe that I was at the time.  
13 Honestly, I didn't look at the dates again. I  
14 believe there was a short time frame I think  
15 that I was. So if you happen to know the date  
16 that they were disbanded, you'd help me out.

17 Q. Yes. I believe that the Housing Unit was  
18 disbanded around June of 2020 or July.

19 A. Okay. Yeah, so I would have --

20 Q. July of 2020.

21 A. So I would have been responsible for them for  
22 two years.

23 Q. And so what were your responsibilities with

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1 A. No.

2 Q. Did the Housing Unit use traffic enforcement  
3 to deter crime?

4 MS. FREELY: Objection to form.

5 A. The Housing Unit would conduct traffic stops  
6 for obvious vehicle and traffic violations  
7 within and around the developments.

8 Q. And was that part of their proactive policing  
9 model?

10 MS. FREELY: Objection to form.

11 A. It was part of their daily job duties like any  
12 other police officer.

13 Q. Do you consider traffic enforcement part of  
14 the above and beyond baseline services that  
15 the Housing Unit was contracted to perform?

16 MS. FREELY: Objection to form.

17 A. So if I recall, that was one of the several  
18 concerns from the BMHA hierarchy that was  
19 responsive to complaints from their residents  
20 that they wanted traffic enforcement. If you  
21 look at some of the developments, particularly  
22 some of the larger developments, there are a  
23 lot of -- there's a high population, high

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1 density population of people. There are a lot  
2 of kids that play in these developments, and  
3 within some of these developments there are  
4 stop signs and there are other, you know,  
5 concerns. So traffic enforcement's primary  
6 purpose is to ensure traffic safety for  
7 motorists, for pedestrians, to ensure the  
8 people in and around there are safe moving  
9 about.

10 Q. Do you recall any specific instances when a  
11 person from the BMHA asked you to conduct more  
12 traffic enforcement around a building?

13 A. I don't -- I can't answer that question  
14 specifically, but we get traffic complaints  
15 quite frequently from all over the city so I'm  
16 fairly certain that we had received complaints  
17 from BMHA where they wanted our officers to  
18 work on traffic enforcement to condition  
19 drivers to actually pay attention to the  
20 driving laws, stop signs, speeding, aggressive  
21 driving, things of that nature. We get those  
22 complaints all over the city quite frequently.

23 Q. And do those come through 311 or through

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1 discretion whether or not to stop a vehicle so  
2 I can't answer that question. It did not come  
3 by way of policy.

4 Q. In May 2021 Commissioner Lockwood issued a  
5 general order updating the BPD's traffic  
6 enforcement policy. Do you recall that order?

7 A. If you can put it up there for me and help me  
8 out with it, sorry.

9 Q. Okay, sure. Let's see.

10 A. Oh, yeah, I'm familiar with this.

11 Q. Okay. So what changes were made to the  
12 traffic enforcement policy? Oh, I am sorry,  
13 let me say this is going to be Gramaglia --  
14 let's see.

15 THE REPORTER: 5.

16 Q. 5, thank you. Gramaglia 5, and it's General  
17 Order 2021-009. And the question is how did  
18 this order change BPD's traffic enforcement  
19 policy?

20 A. You know, without having the prior policy as a  
21 side by side, I'm sorry but I can't sit here  
22 and tell you what was -- what changes were  
23 made. I just -- I would have to have a

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1 side-by-side comparison of what our prior  
2 policy was.

3 Q. Okay.

4 A. It's been a couple years, and I don't remember  
5 what we added and -- or what changes we would  
6 have made.

7 Q. Were you involved in updating this policy?

8 A. I'm sure I would have been.

9 Q. But you can't recall discussions around the  
10 update to the policy?

11 A. No, I was definitely involved in this. I  
12 just -- again, I don't recall what was in the  
13 prior one that -- you know, we change our  
14 Manual of Procedures I will say quite often.  
15 You know, we're -- we try to be very proactive  
16 about keeping up with modern policing, modern  
17 times. I believe I am very proactive on  
18 things so there can be, you know, very slight  
19 changes whether it be a sentence, a word,  
20 something, so it's -- it is difficult to know  
21 exactly what changes were made from a prior  
22 policy.

23 There are also times where a prior

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1 policy may have had things within them but we  
2 changed how it was laid out and even expanded  
3 on things. So I'm not trying to be evasive  
4 here. I just don't know exactly what was in  
5 the prior one to see, did we break things out,  
6 did we put things in more specific categories  
7 and expand on them a little.

8 Q. Okay. Well, one thing that I can tell you is  
9 that these core principles, right here, all of  
10 this was new in 2021.

11 A. Okay.

12 Q. It was not part of the prior policy.

13 A. Okay.

14 Q. Do you recall discussions specifically around  
15 adding those core principles to the traffic  
16 enforcement policy?

17 A. You know, there was a lot of discussions. We  
18 have a lot of discussions on a lot of our  
19 policies so, you know, yeah, I mean, we wanted  
20 to, you know, I think, you know, adapt with  
21 the times and be more modern and more updated  
22 in our policing strategies so that's -- I'm  
23 sure that's why we would have added these.

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1           Without knowing the other policy or  
2           recalling exactly what the wording is, you  
3           know, it's -- these are some of the things  
4           that were quite honestly taught going back to  
5           when I went to the police academy in 1993.  
6           You know, sometimes you just have to be more  
7           descriptive and in more depth and that's where  
8           policy changes come into play.

9           Q. Are there any of these core principles that  
10          you think of as being more modern or more  
11          updated?

12          A. I think -- I think spelling them out in detail  
13          as we have here would be more modern updated  
14          policing. Some things are written and are  
15          just not as in great descriptive detail like  
16          they are here, so I'm sure our rationale for  
17          this was so that we were much more descriptive  
18          and put more of an emphasis on these  
19          categories.

20          Q. And why is it important to spell these out in  
21          detail?

22          A. For training purposes to ensure that our  
23          officers see this and understand, again, the

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1 disciplinary procedure, I'm automatically  
2 assuming that that officer did conduct  
3 themselves in a negative way or out-of-policy  
4 way without having any proof that they did  
5 that.

6 Q. But then how can you communicate to officers  
7 that they have to follow the BPD rules of  
8 treating civilians with courtesy and respect  
9 and not engaging in discrimination?

10 MR. SAHASRABUDHE: Objection to form.

11 A. Through the issuance of our Manual of  
12 Procedures.

13 Q. But if there is rarely any consequence for  
14 anybody, any officer when they don't follow  
15 those rules, how -- I mean, isn't -- I mean,  
16 it sounds to me like you don't have a good way  
17 to enforce those rules.

18 MR. SAHASRABUDHE: Objection to form.

19 Q. Am I correct about that?

20 MR. SAHASRABUDHE: Objection to form.

21 A. No, I don't think you're correct about that.  
22 I mean, we have expectations of our police  
23 department. Everybody is issued the Manual of

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1 Procedures. Everybody has access to the  
2 Manual of Procedures. The talk of acting in a  
3 professional manner and professionalism is  
4 talked about quite frequently.

5 You know, I can't sit there and harp on  
6 a particular officer and say you will be  
7 professional, you will be professional. They  
8 know their job. They know it's in the Manual  
9 of Procedures. They know it's expected of  
10 them, and they know to treat people the way  
11 that they should be treated, the way they  
12 would want their own family treated or, if  
13 they don't like their family, the way they  
14 want to be treated themselves. They get that  
15 in the academy from the start. They know it's  
16 expected of them.

17 But if they're acting in a way that is  
18 not in the way that they are expected to and  
19 by policy, a complaint can and should be  
20 lodged. We will investigate that, and then we  
21 will take appropriate action on that  
22 complaint. Every complaint that's filed does  
23 not make it true that it actually happened the

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1 way a person has -- alleges a complaint.

2 MS. WILNER: Okay. We can stop and  
3 break here.

4 MR. SAHASRABUDHE: Okay.

5 MS. WILNER: What time should we come  
6 back?

7 MR. SAHASRABUDHE: Do you want to do 30  
8 minute, 1:05?

9 MS. WILNER: Sure, that should be fine.

10 (A recess was taken.)

11 BY MS. WILNER:

12 Q. So when you became commissioner, did you make  
13 changes from the way Commissioner Lockwood ran  
14 the BPD?

15 A. That's a pretty broad question. I mean, of  
16 course I made some but that's too broad of a  
17 question to answer. I mean, I've made some  
18 changes in policies and I'd say some.

19 Q. Yeah. Have you made what you consider to be  
20 like major policy changes since becoming  
21 commissioner?

22 MR. RUSS: Objection to form. You can  
23 answer.

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1       A. I don't know about major. I mean, I've had to  
2       make some Manual of Procedure changes. You  
3       know, we've evolved our use of force policy on  
4       several occasions, you know, again, trying to  
5       keep, you know, very current and ahead of the  
6       curve on some things but other than policy and  
7       procedure changes I don't -- nothing major.

8       Q. Have you made any significant changes to the  
9       BPD's traffic enforcement policies or  
10      practices?

11               MR. RUSS: Objection to form. You may  
12      answer.

13      A. No.

14      Q. Did you ever rescind Section 10.5 of the MOP  
15      which authorizes the BPD to run traffic safety  
16      checkpoints?

17      A. I did not rescind it.

18      Q. And why not?

19      A. You know, if you pull up that section, the  
20      traffic checkpoints can only be done with, you  
21      know, high authorization. I'm not going to  
22      give -- you know, without a valid reason, I  
23      just don't -- you know, I'm not going to give

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1           that authorization but, you know, you still  
2           have to keep that in there for, you know, some  
3           safety reasons. You know, there could  
4           hypothetically be an escaped prisoner where  
5           you have to set up traffic checkpoints. If  
6           you could pull up the section of the language  
7           and read it more specifically but, you know,  
8           having something in there and the  
9           authorizations that are required are two  
10          different things.

11         Q. Okay. But under the MOP you could restart  
12           those traffic safety checkpoints at any time,  
13           right?

14         A. I'd have the authorization. I could, yes.

15         Q. Does the BPD conduct performance evaluations  
16           of officers?

17         A. Contractually we're not able to, no. That's a  
18           subject of union negotiations.

19         Q. Okay. And -- yeah, maybe I will come back to  
20           that in a little bit. So aside from  
21           performance evaluations, does the BPD evaluate  
22           officers' performance in any way?

23         A. No. Subject to the union negotiations, we're

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Carrie A. Fisher, Notary Public, in and  
5 for the County of Erie, State of New York, do  
6 hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken remotely  
12 pursuant to notice at the time and place as  
13 herein set forth; that said testimony was  
14 taken down by me and thereafter transcribed  
15 into typewriting, and I hereby certify the  
16 foregoing testimony is a full, true and  
17 correct transcription of my shorthand notes so  
18 taken.

19 I further certify that I am neither counsel  
20 for nor related to any party to said action,  
21 nor in anyway interested in the outcome  
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed my seal this  
11th day of October, 2023.

19  
20  
21  
22  
23



Carrie A. Fisher  
Notary Public - State of New York  
No. 01FI6240227  
Qualified in Erie County  
My commission expires 5/02/27

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